

# Senate Study Bill 1042

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED CITIZENS'  
AIDE/OMBUDSMAN BILL)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to a meeting of a governmental body concerning an  
2 individual whose appointment, hiring, performance, or  
3 discharge is being considered and a public records request  
4 concerning an applicant, candidate, or nominee being  
5 considered for employment with or appointment by a government  
6 body.  
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
8 TLSB 1269DP 82  
9 rh/gg/14

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1 1 Section 1. Section 21.5, subsection 1, paragraph i, Code  
1 2 2007, is amended to read as follows:  
1 3 i. To evaluate the professional competency of an  
1 4 individual whose appointment, hiring, performance, or  
1 5 discharge is being considered ~~when necessary to prevent~~  
~~1 6 needless and irreparable injury to that individual's~~  
~~1 7 reputation and that individual requests a closed session if~~  
~~1 8 both of the following apply:~~  
1 9 (1) The individual requests a closed session in writing  
1 10 and states the reason for the request.  
1 11 (2) The governmental body determines that a closed session  
1 12 is necessary to prevent needless and irreparable injury to the  
1 13 individual's reputation.  
1 14 Sec. 2. Section 22.7, subsection 18, Code 2007, is amended  
1 15 by adding the following new paragraph:  
1 16 NEW PARAGRAPH. d. Information contained in the  
1 17 communication pertaining to an applicant, candidate, or  
1 18 nominee being considered for employment with or appointment by  
1 19 a government body is a public record unless both of the  
1 20 following apply:  
1 21 (1) The applicant, candidate, or nominee requests in  
1 22 writing that the information be kept confidential.  
1 23 (2) The government body makes a determination that  
1 24 disclosure of the information will result in needless and  
1 25 irreparable injury to the reputation of the applicant,  
1 26 candidate, or nominee.  
1 27 However, the government body shall disclose at least the  
1 28 name, city of residence, employment history, and educational  
1 29 history of an applicant, candidate, or nominee under final  
1 30 consideration.  
1 31 The government body shall notify the applicant, candidate,  
1 32 or nominee of the requirements of this paragraph "d".  
1 33 EXPLANATION  
1 34 This bill relates to a meeting of a governmental body  
1 35 concerning an individual whose appointment, hiring,  
2 1 performance, or discharge is being considered and a public  
2 2 records request concerning an applicant, candidate, or nominee  
2 3 being considered for employment with or appointment by a  
2 4 government body.  
2 5 The bill makes changes to Code chapter 21, Iowa's open  
2 6 meetings law. Current law allows a governmental body to hold  
2 7 a closed meeting to evaluate the professional competency of an  
2 8 individual whose appointment, hiring, performance, or  
2 9 discharge is being considered at a meeting of a governmental  
2 10 body when necessary to prevent needless and irreparable injury  
2 11 to that individual's reputation and the individual requests a  
2 12 closed session. The bill requires an individual in this  
2 13 situation to request the closed meeting in writing and to  
2 14 state the reason for requesting a closed meeting.  
2 15 The bill makes changes to Code chapter 22, Iowa's open

2 16 records law. The bill provides that information contained in  
2 17 a communication pertaining to an applicant, candidate, or  
2 18 nominee being considered for employment with or appointment by  
2 19 a government body is a public record unless the applicant,  
2 20 candidate, or nominee requests in writing that the information  
2 21 be kept confidential and the government body makes a  
2 22 determination that disclosure of the information will result  
2 23 in needless and irreparable injury to the reputation of the  
2 24 applicant, candidate, or nominee. However, the government  
2 25 body shall disclose at least the name, city of residence,  
2 26 employment history, and educational history of an applicant,  
2 27 candidate, or nominee under final consideration and shall  
2 28 notify the applicant, candidate, or nominee of the  
2 29 requirements of the public records requirements of the bill.

2 30 Code section 21.2 defines a governmental body to include a  
2 31 board, council, commission or other governing body expressly  
2 32 created by the statutes of this state, by executive order, or  
2 33 of a political subdivision or tax-supported district in this  
2 34 state; a multimembered body formally and directly created by  
2 35 one or more boards, councils, commissions, or other governing  
3 1 bodies; a multimembered body to which the state board of  
3 2 regents or a president of a university has delegated the  
3 3 responsibility for the management and control of the  
3 4 intercollegiate athletic programs at the state universities;  
3 5 an advisory board, advisory commission, or task force created  
3 6 by the governor or the general assembly to develop and make  
3 7 recommendations on public policy issues; a nonprofit  
3 8 corporation other than a fair conducting a fair event whose  
3 9 facilities or indebtedness are supported in whole or in part  
3 10 with property tax revenue and which is licensed to conduct  
3 11 pari-mutuel wagering or a nonprofit corporation which is a  
3 12 successor to the nonprofit corporation which built the  
3 13 facility; a nonprofit corporation licensed to conduct gambling  
3 14 games; and an advisory board, advisory commission, advisory  
3 15 committee, task force, or other body created by statute or  
3 16 executive order of this state or created by an executive order  
3 17 of a political subdivision of this state to develop and make  
3 18 recommendations on public policy issues.

3 19 Under Code section 22.1, a government body includes this  
3 20 state, or any county, city, township, school corporation,  
3 21 political subdivision, or tax-supported district; a nonprofit  
3 22 corporation other than a fair conducting a fair event whose  
3 23 facilities or indebtedness are supported in whole or in part  
3 24 with property tax revenue and which is licensed to conduct  
3 25 pari-mutuel wagering, or other entity of this state; or any  
3 26 branch, department, board, bureau, commission, council,  
3 27 committee, official, or officer of any of the foregoing, or  
3 28 any employee delegated the responsibility for implementing the  
3 29 requirements of Code chapter 22.

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